

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00272-MR**

GERALD DICKINSON SHAW,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER OF REMAND</u>
)	
MARTIN O'MALLEY,)	
Commissioner of Social Security,¹)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's Consent Motion for Remand. [Doc. 6].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Defendant here has moved for reversal of the decision below and for a remand of this case for further administrative proceedings.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023, after this case was commenced. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley is hereby substituted for Kilolo Kijakazi as the defendant in this action. See also 42 U.S.C. § 405(g).

[Doc. 6]. The Plaintiff consents to the Defendant's Motion. [Id.]. For the reasons stated in the Defendant's motion, and in light of the Plaintiff's consent, the Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).


IT IS, THEREFORE, ORDERED that the Defendant's Consent Motion for Remand [Doc. 6] is **GRANTED**.

IT IS FURTHER ORDERED that, pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), the decision of the Commissioner of Social Security is hereby **REVERSED**, and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.

Signed: January 24, 2024



Martin Reidinger
Chief United States District Judge

